

## Remarks

The present response is responsive to the non-final Office Action mailed in the above referenced case on March 07, 2008. Claims 1-6, 8-31 and 33 are standing for examination.

### Claim Rejections - 35 USC § 102

Claims 1-6, 8-31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamb et al (US Pat No: 6,747,970), hereafter referred to as Lamb.

#### Examiner's rejection

1. With regards to claims 1 and 19, Lamb teaches a network including a communication center and a plurality of clients using communication devices, a system enabling agents of the communication center to best communicate with the clients and client devices, including configuring call-back options and preferences, the system comprising:

customer presence software executing at each client device for monitoring client and client device status (*Equivalent to user agent; see column 12, lines 25-27, Lamb*);  
and

a communication-center presence software executing in the communication center for receiving information from the customer presence software (*Equivalent to telecommunications hosting server see column 11, lines 15-36, Lamb*);

characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client (*see column 14, lines 7-10, Lamb*) and client devices and the client's callback preferences including medium preferences and client device preferences (*see column 14, lines 25-37, Lamb*), communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (*see column 14, lines 25- 46, Lamb*)

### **Applicant's response**

Applicant strongly disagrees with the Examiner's rejection and application of the art of Lamb. Applicant has presented the same, non-amended claims, in the last several responses, overcoming three separate sets of art. The Examiner has, yet again, presented art that fails to teach or suggest all of the limitations of applicant's claims. If there are more references that the examiner has available for rejection of the present set of claims, the applicant would very much like to see all of the rejections applied in one action, so the applicant might respond, rather than this piecemeal approach, which adds to the burden of both the Office and the applicant.

Applicant points out that the art of Lamb provides a telecommunications system that uses applications on a computer network such as the Internet for call signaling and advanced calling service implementations that uses a public telephone network and public telephone switching equipment to provide a mechanism for voice transport under control of the computer network application signaling mechanisms.

In contrast, applicant's invention provides an enhanced and inventive system which enables agents operating from within communications-centers to monitor client availability status for the purpose of callback optimization. In particular, in cases where the client has many media available, a collection of all media statuses is generated, including the client, and is then presented as an amalgamated status to the agent.

The Examiner states that Lamb teaches customer presence software executing at each client device for monitoring client and client device status (*Equivalent to user agent; see column 12, lines 25-27, Lamb*). Applicant disagrees that Lamb teaches or suggests monitoring status of a client or a client device, as claimed. Applicant presents the portion of Lamb below, relied upon by the Examiner to teach said limitation:

*"A user of the system may send the call application message, for example, from a user agent interface (a client or user client interface)."*

Applicant fails to see where in the above teaching of Lamb is provided a customer presence software executing at each client device for monitoring client and client device status. Applicant argues that the user agent taught in Lamb is software executing at the telecommunications server, or in some instances at the client's computer. The software is only capable of determining whether a device is busy or not busy based on call signaling messages sent by the user's computer, which is the client's device, according to the teachings of Lamb. The message is sent by the user to the server which determines if the software should execute on behalf of the user. When the software executes and sets up a call between the computer and a device on the public telephone network, the software knows the computer is busy. Applicant argues that the software of Lamb does not "monitor" any communication devices, as claimed. The agent software is only capable of monitoring whether there is a connection between the computer and a telephone on the public telephone network by monitoring the connection (after call set up) on the public telephone side of the server. Therefore, there is no actual monitoring of a device in Lamb, as claimed. Applicant also points out that the Examiner has neglected to show in the art where client status is monitored, as claimed. (col. 14, lines 16-33; Fig. 6).

The Examiner states Lamb teaches, "a communication-center presence software executing in the communication center for receiving information from the customer presence software (*Equivalent to telecommunications hosting server see column 11, lines 15-36, Lamb*)" Applicant reproduces the portion of Lamb below:

*"Generally, the invention includes mechanisms and techniques to allow users of computer systems and software configured according to the invention to interact with telecommunications software that executes or otherwise performs on a processor in a telecommunications hosting server. A preferred embodiment of a telecommunications hosting server is a workstation or other computer platform within a connectionless network such as the Internet and that is configured as a server. Such a computer platform may, for example, be a Unix or Windows NT workstation that can perform multi-processing. Via an application of the invention performing on the telecommunications*

*hosting server, users can use calling services implemented in the application to establish calls on a conventional public switched telephone network. To do so, another connection from the telecommunications hosting server to another computer platform called a telecommunications network server is also provided in embodiments of the invention. The connection between the telecommunications network server and the telecommunications hosting server may be a connectionless network connection or may be a dedicated channel, bus, circuitry or other data transport mechanism.”*

Applicant disagrees that a telecommunications hosting server, as described in the art of Lamb can read upon applicant's claimed communications-center presence software. Applicant points out that Lamb specifically teaches that the only software dealing with any sort of “presence” of a client or client device is the user agent operating on the user's computer or at the hosting server. Lamb fails to teach any presence software at the telephony network server, mentioned above. Applicant specifically claims two separate software instances operating in two separate locations. Applicant believes the single instance of Lamb's user agent cannot read on the software claimed in applicant's invention.

The Examiner states Lamb teaches, “characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/offline status of the client (*see column 14, lines 7-10, Lamb*)” Applicant reproduces the portion of Lamb below:

*“According to another arrangement, the system can operate to include the steps of receiving a call signaling message from the connection-based network indicating a status of a connection on the connection based network and forwarding the call signaling message received from the connection- based network to an appropriate user agent.”*

As previously argued, receiving a signaling message from a connection-based network indicating a status of a connection cannot possibly read on applicant's claim

limitation of, “monitors real-time client and client device status at each client device including on-line/offline status of the client”. The Examiner has failed to show this limitation in the art.

The Examiner states Lamb teaches, “and client devices and the client's callback preferences including medium preferences and client device preferences (*see column 14, lines 25-37, Lamb*),” Applicant disagrees and reproduces said portion of Lamb below:

*“If the example a user agent “knows” that a line is busy, another request for a connection to that line (e.g., another user that may be attempting to call the busy line) can be directed to an alternative destination, such as voice mail, or to another non-busy line, of the user agent can provide a call signaling message in return that contains, for example, an audio message that the telecommunications network server can play back to the original caller attempting to connect to the user. The audio message can be a custom message based, for example, on the identity (as specified in the original received call signaling message) of the caller. Other example of audio feedback can be custom dial tones, custom ringing, and so forth.”*

As argued above, the only way the user agent “knows” that a line is busy is because it received a signaling message from a connection based network, this teaching does not constitute “monitoring” as claimed in applicant’s invention and known in the English language. Further, Lamb makes absolutely no mention of “customer presence software monitors real-time client and client device status at each client device and the client’s callback preferences including medium preferences and client device preferences.” The Examiner has failed to point out a teaching in the art teaching said limitation.

The Examiner states Lamb teaches, “communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to

the agents of the communication center (*see column 14, lines 25- 46, Lamb*). Applicant disagrees and reproduces said teaching of Lamb, below:

*To this end, another arrangement of the invention provides that the call signaling message received from the connection-based network by the user agent specifies a status which indicates availability of telephony device on the connection-based network. In response to such a call signaling message, the user agent performs the step of updating availability information related to the user agent to track the status of telephony devices associated with the user assigned to that user agent.*

Applicant points out that the above portion reinforces applicant's argument that Lamb fails to teach monitoring, as claimed. Further, there are no live agents resident in the server of Lamb. Therefore, there are no agents of a communication center taught in Lamb. There is no teaching in Lamb of integrating status information and providing the result to another entity. The Examiner in this action makes many statements regarding what the art of Lamb teaches; yet the portions of the art relied upon by the Examiner are silent as to said teachings. Applicant requests the Examiner be more specific and diligent in providing portions of the art which actually teach the limitations of applicant's independent claims.

Applicant respectfully requests the Examiner provide valid art that undeniably teaches or suggests all of the limitations of applicant's claims or allow the case, as clearly, applicant has been put under an unnecessary burden dealing with the Office Actions asserted by the Examiner.

## Summary

As all of the claims standing for examination have been demonstrated to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,  
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